

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN W. CARROLL,	)	8:04CV344
	)	
Plaintiff,	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
ALLIED CONSTRUCTION	)	
SERVICES, INC.,	)	
	)	
Defendant.	)	

Plaintiff has filed a “motion for new trial” (filing 60) with an accompanying “index of exhibits” (filing 61) that has no attachments. The motion contains a request that “the Declaration in Support of the Opposition” be placed under seal, but no such document has been presented to the court. See NECivR 7.5(c) (motion to seal must be accompanied by proposed order and the pleading, document, or object to be sealed). The motion also references a proposed brief in opposition to Defendant’s motion for summary judgment, but the proposed brief is not on file.

Plaintiff’s motion cites Federal Rule of Civil Procedure 59, but does not “state with particularity the grounds” upon which plaintiff is requesting relief. See Fed. R. Civ. P. 7(b)(1). No supporting brief has been filed. See NECivR 7.1(a)(1)(A) and (B) (stating that the court “may treat a party’s failure to file a brief as an abandonment of the motion”). In short, Plaintiff has made no showing that the court erred in entering summary judgment in favor of Defendant.

IT IS ORDERED that Plaintiff’s motion for new trial (filing 60) is denied.

March 27, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge